

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

TINA LOUISE JEFFERY,

Defendant and Appellant.

2d Crim. No. B187352
(Super. Ct. No. F367711)
(San Luis Obispo County) ORDER
MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on August 22, 2006, be modified as follows:

Page 5, first and second paragraphs are deleted and the following paragraphs inserted:

In many cases the appellate court enters the mind of the trial judge and affirms a ruling because of "implied findings." There are also cases in which an appellate court takes a flight of fancy to conclude that there is no possibility of a different decision. This is not such a case. Here there is evidence of excessive criminality. There is also evidence that the defendant is an addict who may profit by a California Rehabilitation Center commitment.

We remand so that the court may either initiate CRC commitment

proceedings or specify its reasons for not doing so. We take no position on how the trial court should rule.

The judgment is reversed and remanded.

[There is no change in the judgment.]